

**CITY OF EAU CLAIRE
PLAN COMMISSION MINUTES**

Meeting of April 15, 2013

City Hall, Council Chambers

7:00 p.m.

Members Present: Messrs. Hibbard, Kayser, Duax, Strobel, Larson, Weld, Pearson, Mdms. Mitchell, Ebert

Staff Present: Messrs. Tufte, Noel, Genskow

The meeting was chaired by Mr. Kayser.

1. REZONING (Z-1525-13) – R-1 to R-2, Andover Avenue

Mr. Tufte presented a request to rezone property from R-1 to R-2 for a duplex development. The location is on the east side of Andover Avenue, north of Essex Street. An existing home on the subject site has Health Department repair orders. The Comprehensive Plan notes this area for low-density residential, and two-family dwellings fall within this classification. Consolidation of lots for the duplexes will have to occur. A valid zoning protest petition was received against the project.

Applicant, Michael Lawrence of 424 E. Riverview Drive, would like to develop three duplexes and a single-family house. Homes will all have quality design. There will only be seven driveways, equaling the same as if it was a single-family development. He stated the project will increase the land value in the area and he will maintain the new duplex rental properties.

Larry Creviston, 1101 Andover Avenue, stated the zoning has been R-1 for a long time and the immediate area should not change to duplexes. He believed the project would be a better fit for single-family homes. He thought single-family homes will stabilize the neighborhood better.

Tom Berger, 1209 Andover Avenue, had concerns about more renters and more traffic in the immediate area. The proposal would change the character of the block as well.

Pamela Rumphol, 1206 Andover Avenue, stated she likes the quiet area and the new duplexes would add more traffic and noise. She prefers to keep the block just single-family homes.

James Erdman, 1444 Webster Avenue, stated the defunct house will be demolished with the project. New quality built duplexes will be a benefit since the lots are not large enough for single-family homes. Water and sewer were spaced for only three tie-ins. The neighborhood is older and this project will help land values. He said he grew up in the neighborhood.

Evelyn Creviston, 1101 Andover Avenue, owns two lots in the area and does not wish to have the land rezoned for duplexes.

Kimm Schroeder, 1021 Andover Avenue, stated she would like the see the area stay with the same zoning as it has now.

Amy Crownhart, 1021 Andover Avenue, was opposed to the rezoning since it will bring more traffic and noise.

Commissioners discussed the project. Mr. Hibbard stated the applicant has not met land-use compatibility conditions for the neighborhood so there is no justification for a duplex development. Ms. Ebert stated she lives in a situation where duplexes were built and it did not change the area's character or land values negatively. Mr. Weld stated duplexes mixed in can affect the perceived value of single-family home buyers, and single-family homes are selling again. Ms. Mitchell stated the applicant has not met the conditions of the zoning code and the uses are not compatible with the existing uses/zoning in the immediate area. Mr. Strobel stated the duplexes would add more traffic and noise in the area and was not in favor of the project.

Mr. Pearson moved to recommend the rezoning. Ms. Mitchell seconded for the purpose of discussion. The motion failed on a 6 to 2 vote against, with Mr. Pearson and Ms. Ebert voting in favor. Mr. Duax recused himself from voting.

2. **CONDITIONAL USE PERMIT (CZ-0326 AMD.) – Women's Transitional Housing Facility, 2517 Moholt Drive**

Mr. Tufte presented a request to amend a conditional use permit to allow up to 18 single women to live at a transitional housing shelter in a commercial district at 2517 Moholt Drive. The applicant would like to increase occupancy from 12 to 18 units. State licensing needs to be obtained and code enforcement violations (unscreened dumpsters, parking on unimproved surfaces, outdoor material storage) would need to be corrected for good. Violations have been ongoing since the original conditional use permit was issued.

Applicant, Chris Hedlund with Hope Gospel Mission (Ruth House), stated there is a need for more housing like this in the community. They have had up to 10 female residents at one time and are proactively seeking to go up to what the facility can accommodate. Code violations are with the Bargain Center since they have capacity problems dealing with all the donated materials. There are plans for a canopy-bay so they can store received items, but they do not have the funds to build it right now.

Some commissioners agreed that the violations should be corrected before granting approval. Mr. Duax and Mr. Strobel stated the conditional use permit is for the Ruth House and not part of the Bargain Center operations. Mr. Larson stated the applicant is the same as the owner and it is important they correct violations.

Ms. Mitchell moved to approve the conditional use permit and Mr. Weld seconded. Mr. Larson moved to postpone the amendment until the property owner corrects code violations. Mr. Hibbard seconded but the motion failed (Mr. Larson, Mr. Hibbard, Ms. Mitchell and Ms. Ebert voted to postpone while those not in favor were Mr. Strobel, Mr. Pearson, Mr. Kayser, Mr. Duax and Mr. Weld).

After further deliberation, Mr. Strobel moved to reconsider the original motion to postpone approval so violations would be corrected, seconded by Mr. Duax. The motion passed with all in favor except Mr. Weld and Ms. Mitchell.

3. **CONDITIONAL USE PERMIT (CZ-1304) – Home Occupation, 1611 Emery Street**

Mr. Tufte presented a request to allow a home occupation offering piano lessons at 1611 Emery

Street. The applicant says he would teach students from 4 p.m. to 9 p.m., Monday through Friday. Lesson would be one at a time. Students would be dropped off or they would park in the driveway or along the street.

Applicant, Daniel Sullivan of 1611 Emery Street, stated there was another piano teacher who alerted him to the need of obtaining this permit.

Jeri Opland, 1704 Emery Street, spoke in favor but wondered if parking would become a problem along Emery Street.

Mr. Strobel moved to approve the conditional use permit with the conditions listed in the staff report. Mr. Hibbard seconded and the motion carried.

4. **CONDITIONAL USE PERMIT (CZ-1305) – Parking Lot, 1215/1219 State Street & 318 Gilbert Avenue**

Mr. Tufte presented a request to allow reconstruction/expansion of a parking lot on multiple properties at 1215 and 1219 Street and 318 Gilbert Avenue. Presently, parking occurs mostly on gravel surface and the proposed parking plan modifies the 28 stalls to 36 paved stalls. Two recently installed stalls on the east side of the single-family home are on orders to be paved this year. The applicant could resurface existing stalls through a surface permit, but expansion requires this conditional use permit. Thirty-six stalls are more than what City code allows. Extra parking is allowed if the applicant provides a parking analysis showing the need and obtains commission's approval. Staff recommends to eliminate the closest 3 stalls to Gilbert Avenue and the one closest to State Street for a total of 32 stalls. Other landscaping and screening measures, cross-access easements, bike rack, and lighting standards are recommended per staff conditions.

Scott Kramer, civil engineer with Kramer Land Design Studio, and applicant/owner Mark Nelson, stated they want to improve the existing parking situation. They worked on 9 different designs since the site is so awkward. The submitted proposal was best the layout solution. They tried to move the parking stalls away from front yards and tried to landscape/soften the parking area. They brought the plan to the neighborhood association and tried to incorporate their ideas into the design. Mr. Nelson stated his rentals can legally accommodate up to 34 maximum people. He was disappointed with staff's recommendation to eliminate four stalls. His situation would alleviate on-street parking on Gilbert Avenue. He wanted the extra parking for the snow storage and visitor parking.

Patrick Kurtenbach, 1705 Park Avenue, stated the Third Ward Neighborhood Association and applicant have been working together on the project. The process started back in April of 2012. He had concerns if this plan should fall under a conditional use permit review; if the two older homes were either grandfathered in or had a conditional use permit since the down-zoning; and if the two properties had rooming house licenses. After their review the Neighborhood noticed some code dimensional shortages in the parking design. The Neighborhood voted the proposal down unanimously at their last meeting.

Jim Boulter, 1226 Graham Avenue, stated he has property abutting the parking lot. He would prefer a screening fence along the east side property line/his lot line to block car headlights. He was concerned about the amount of hardspace for the area and lack of rainwater recharge potential. He asked to eliminate parking stalls near his property line and reduce the total number of the stalls. He believed some middle-ground can be achieved meeting Mr. Nelson's needs.

Lori Scott, 1301 State Street, stated the character of the immediate area is changing with taking out green space and adding more parking stalls. Noise has increased with the removal of trees and with more parking. There is a lot of noise, arguments, and fights in the parking lot. She stated the site is an eye-sore but appreciates screening the dumpster. She also had concerns about more parking lot lighting.

Jan Etnier, 414 Gilbert Avenue, objected to any further hard surface paving in the neighborhood. She was disappointed with enforcement from the City.

Mr. Larson offered that the parking should remain at 28 stalls. Mr. Hibbard did not want the parking hardscape. Mr. Duax stated the general issue of parking lots in neighborhoods should not occur and enforcement should be better or there should be a policy change. He thought there needs to be more time to seek a compromise. Ms. Mitchell agreed that the area needs to be improved in some fashion. Mr. Kayser said the single-family home property is being used for too much parking for the whole development and it hurts the neighborhood.

Mr. Weld moved to approve the conditional use permit with the conditions listed in the staff report. Ms. Ebert seconded for purposes of discussion. Mr. Duax moved to postpone the item, seconded by Mr. Larson, and the motion passed unanimously.

5. **CONDITIONAL USE PERMIT (CZ-1306) – Additional Ground Sign, 3525 Hwy. 93**

Mr. Tufte presented a request to allow a second ground sign for a motor vehicle dealership at 3525 Hwy. 93. The proposed KIA ground sign meets the distance requirement to the existing ground sign on the site.

Applicant, Dan Mattoon of Prestige Auto, 3525 Hwy. 93, stated they will place the sign 100' away from the existing ground sign. They cannot place their Prestige Auto signage on the KIA sign. The KIA sign will be further south and they may have a Mitsubishi wall sign in the future on the north side. They are using the existing footing from the old Hummer sign.

Ms. Mitchell moved to approve the conditional use permit with the conditions listed in the staff report. Mr. Pearson seconded and the motion carried.

6. **CONDITIONAL USE PERMIT (CZ-1307) – Tavern (Nano-brewery), 219 E. Madison Street**

Mr. Tufte presented a request to allow a tavern (nano-brewery) in a CBDP district at 219 E. Madison Street. Beer would be brewed on-site and a taproom would be included. The majority of the space must be used as a tavern or taproom and this will need to be maintained. If beer production becomes the primary use, they will need industrial zoning. The parking requirement for this use is 15 parking stalls, which the development can still accommodate. This unique use is not licensed by the City and exempt by State. There would be overhead doors that open out onto the sidewalk, but beer consumption must occur inside the building. Proper brewing air ventilation equipment will have to be installed with the building permit so as to not affect the residents located above the space.

Applicant, William Glass of 2710 Sherman Street and with Eau Claire Brewing Company, stated the vast majority of the business will be at the taproom. He had no problems with the City conditions

and will have licensed bartenders. He was comfortable with the 10 p.m. closure time. He was excited about the opportunity to be downtown and could expand if the space was needed.

Mr. Strobel moved to approve the conditional use permit with the conditions listed in the staff report. Mr. Weld seconded and the motion carried. Producing proof of a State License was added.

7. **EXCESS LAND – Brackett Avenue and South Hastings Way**

Mr. Tufte presented a request to declare a parcel of land as excess for sale along the intersection of Brackett Avenue and S. Hastings Way. The land would be used for more parking for the adjacent property. About 5,200 square feet would be purchased.

Some commissioners thought more details should be brought forward before making a decision.

Jeremy Gragert, 451 Lincoln Avenue, thought the land should be kept by the City and used for an attractive space for the public.

Ms. Mitchell moved to recommend the sale of excess land. Mr. Strobel seconded and the motion carried. Mr. Hibbard, Mr. Kayser and Mr. Duax voted nay.

8. **SITE PLAN (SP-1306) – Storage and Maintenance Buildings, Galloway Street**

Mr. Tufte presented the request to approve a site plan for expansion of maintenance building and a new form storage building at 1919 Galloway Street. Building setbacks meet standards. Grading and drainage plan approval by the City Engineer is recommended.

Applicant, Jerry Shea with Market & Johnson, stated they need more space for their operations and create a more secured storage area. They will try to improve the appearance of the building and the front cedar wood fence.

Mr. Pearson moved to approve the site plan with the conditions listed in the staff report. Mr. Weld seconded and the motion carried.

9. **SITE PLAN (SP-1307) – Hometown Living Elderly Housing Facility, Birch Street**

Mr. Tufte presented the request to approve the site plan for the Hometown Living elderly housing facility at the south side of Birch Street, north of River Prairie Drive. City Council recently approved the site's rezoning. A land conservation easement for steep slopes, trees, and a future trail needs to be submitted. A CSM needs to be filed, along with cross-easements also. Number of street trees should be increased and foundation plantings as well.

Applicant, Jason Rice and Jim Hallin, with Hometown Living, LLC, spoke in favor of the project. They have received approval from the State on building construction. State Health approval will be coming soon. They would be willing to dedicate the slopes and shoreland to the City instead of providing an easement.

Ms. Mitchell moved to approve the site plan with the conditions listed in the staff report. Mr. Larson seconded and the motion carried. Mr. Weld abstained from voting.

10. **DISCUSSION/DIRECTION**

A. Health Chapter

The commission deferred the review of the Health Chapter to the May 6 meeting since the meeting ran late.

B. Code Compliance Items

None.

C. Future Agenda Items

None.

11. **MINUTES**

The minutes of the meeting of April 1, 2013, were approved.

Tom Pearson
Secretary